

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

MICHAEL T. DREHER,)	
<i>Individually and on behalf of a class of</i>)	
<i>similarly situated persons,</i>)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:11-CV-00624-JAG
)	
EXPERIAN INFORMATION)	
SOLUTIONS, INC.,)	
CARDWORKS, INC., and)	
CARDWORKS SERVICING, LLC,)	
)	
Defendants.)	
)	

**DECLARATION OF JOSEPH W. CLARK
IN SUPPORT OF DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Joseph W. Clark, hereby declare as follows:

1. I am a partner in the law firm of Jones Day, the law firm representing Defendant Experian Information Solutions, Inc. ("Experian"). I have personal knowledge of the facts stated herein and, if called to testify, would competently testify thereto.
2. Attached hereto as **Exhibit A** is a true and correct copy of Report No. MLR-11-002, Material Loss Review of Advanta Bank Corp., Draper, Utah dated October 2010 by the, Federal Deposit Insurance Corporation's Office of Material Loss Reviews *available at* <http://www.fdicoig.gov/reports11%5C11-002.pdf>.
3. Attached hereto as **Exhibit B** is a true and correct copy of the Underwriting Agreement, among Advanta Business Receivables Corp., Advanta Bank Corp., and Deutsche Bank Securities Inc. and Greenwich Capital Markets, Inc. dated October 31, 2007, which was attached as Exhibit 1.1 to Advanta Business Receivables Corp. Form 8-K dated Nov. 8, 2007

available at <http://www.sec.gov/Archives/edgar/data/1107920/000089322007003588/w42006be8vk.htm#003>.

4. Attached hereto as **Exhibit C** is a true and correct copy of relevant excerpts and exhibits of the deposition of Michael Nowell, dated July 26, 2012.

5. Attached hereto as **Exhibit D** is a true and correct copy of relevant excerpts of the 2011 Annual Report of First Data Corporation, (Form 10-K) *available at* http://sec.gov/Archives/edgar/data/883980/000110465912015609/a12-2328_110k.htm

6. Attached hereto as **Exhibit E** is a true and correct copy of relevant excerpts and exhibits of the deposition of James Kilka, dated August 24, 2012.

7. Attached hereto as **Exhibit F** is a true and correct copy of relevant excerpts of Plaintiff's Federal Rule of Civil Procedure 26(a)(1) Disclosures.

8. Attached hereto as **Exhibit G** is a true and correct copy of *40 Years of Experience with the Fair Credit Reporting Act: An FTC Staff Report with Summary of Interpretations*, dated July 2011, *available at* <http://www.ftc.gov/os/2011/07/110720fcrareport.pdf>

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on this 4th day of October, 2012.

Dated: October 5, 2012

/s/ Joseph W. Clark
Joseph W. Clark (VSB No. 42664)
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of October, 2012, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing (NEF) to the following:

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Dated: October 5, 2012

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